

Acton Board of Health

Minutes

August 21, 2006

Members Present: William McInnis, Chairman, Dr. Bill Taylor, Member, Pam Harting-Barrat and Joanne Bissetta, Member.

Staff Present: Doug Halley, Health Director, Brent Reagor and Sheryl Ball.

Others Present: Stephanie Lombardi, John Wnukowski, John Keramaris and Jeff Perley

The meeting was called to order at 7:32 p.m.

Minutes

On a motion made by Dr. Harting-Barrat, seconded by Dr. Taylor, the Board unanimously voted to accept the minutes of July 24, 2006 as amended.

Reorganize Board

Mr. McInnis asked the Board to nominate a Board member who has expressed interest in becoming chairman and for Vice Chairman. Dr. Harting-Barrat asked Bill if he would be interested. Mr. McInnis stated that he is interested. On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to appoint Mr. McInnis as chairman of the Board of Health. On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to appoint Dr. Taylor as Vice Chairman.

Housing Appeal – 14 B Strawberry Hill Road

The two tenants, Stephanie Lombardi and John Wnukowski were present to discuss their housing appeal request for their rental property located at 14B Strawberry Hill Road. Mr. Wnukowski

stated that he has numerous problems in his unit and the work was not completed in a timely manner and he felt that fines should have been issued by the Health Department. Mr. Wnukowski stated that some of the problems were sewerage backup into the tub, leaky drain, loose tiles and broken tiles that were fixed with the wrong color and still have remnants of glue on tile and carpet. Mr. Wnukowski also stated that the storage area wood was wet and should have been replaced. Mr. Wnukowski presented the Board with pictures that were taken showing the existing problems and also spoke about mold growing underneath the kitchen sink that was not pointed out during inspection. Mr. Reagor conducted an inspection of the unit and issued an order letter to fix the problems. Mr. Wnukowski also stated that the well test revealed bacteria in water and this issue should have been posted in the complex and it was never done. Mr. Wnukowski also spoke with Mr. Kimball, DEP and stated that there are septic problems. Mr. Wnukowski stated that his biggest concern is that the problems have been ongoing for one month and are not corrected and no fines have been levied. Mr. Wnukowski stated that he is sending packets of information to Tom Reilly, Local news networks, Mitt Romney, etc. Mr. McInnis asked Mr. Wnukowski what he is seeking tonight. Mr. Wnukowski stated that in summation he wants things fixed and fines levied. Mr. Halley stated that fines are levied on convictions in court or the Health Department may levy fines if they feel that the issues are not being addressed by the landlord. Mr. Halley also spoke about the public water supply stating that the owners are required to send reports to the state and the latest letter came back with a fecal coliform reading. Mr. Keramaris stated that the water had a reading of bacteria due to the contamination of the spigot as the second sample came back clean. Mr. Wnukowski stated that he has submitted a water sample to a lab for testing and is awaiting those results. Mr. Halley stated that DEP is the enforcing authority of the water supply and local health department does not have authority. Mr. Halley stated that the loose tile problem was appealed by Mr. Keramaris and will be addressed at the September 18, 2006 meeting. Mr. Keramaris stated that the rent is in arrears and this is not an uncommon tactic by the tenant to complain about problems. Mr. Keramaris stated that the tub was not backed up with sewerage but there was a blockage in the pipe. Mr. Keramaris stated that he cleaned the glue off the tiles, the wood in the storage area was sprayed with disinfectant and there was no evidence of wet wood. Mr. Keramaris stated that there is no mold under the kitchen sink. Mr. Reagor stated that there was contact paper under sink and mold was not observed. Mr. Reagor stated that the original work from his order letter was done but the landlord was asked to

restore it to original conditions. Ms. Bissetta asked if a public water supplier must copy the local health department. Mr. Reagor stated that he would have to look through the drinking water regulations. Ms. Bissetta agreed that this is a DEP regulation and they are the enforcers. Dr. Harting-Barrat asked Mr. Wnukowski how long he has lived in this unit. Mr. Wnukowski stated that he has lived there about 1 ½ years and the tiles have been broken since he first moved in. Mr. Halley stated that we would rather see the landlord putting the money into fixing the problem rather than using fines. The Board ultimately wants the problems fixed. Mr. McInnis asked the tenants if they still have any issues and if so a formal complaint should be made to the Health Department. Mr. McInnis stated that he would accept a complaint tonight and if appropriate issue an additional order letter. Mr. Wnukowski stated that he would like to file a formal complaint this evening. Mr. Halley suggested that a full housing inspection be conducted. The Health Department will contact the Wnukowski's tomorrow to set up an inspection. On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to close the hearing and deny the Wnukowski's request to issue fines.

Variance – 194 Central Street

The Health Department is in receipt of an application for a variance from 310 CMR 15.405(1)(a) for a reduction in the required setback from a septic tank to a property line, 310 CMR 15.405(1)(a) for a reduction in the required setback to a pump chamber to the property line, 310 CMR 15.405 (1)(a) for a reduction in the required setback from the leaching area to the property line, 310 CMR 15.405(1)(b) for a reduction in the required setback to a foundation wall from the leaching area, 310 CMR 15.405(1)(f) for a reduction in the required setback from the leaching area to a subsurface drain, 310 CMR 15.405(1)(g) for a reduction in the required setback from the septic tank to a water service line, 310 CMR 15.405(1)(g) for a reduction in the required setback from a pump chamber to a water service line, 310 CMR 15.284 for remedial use and Article 11-8-1 for a waiver of the minimum leaching area for the property located at 194 Central Street. The Health Department has reviewed this request and finds that the site is limited by a small front yard, drainage easements, narrow lot and flood plains in the back yard. It was noted that the existing water service line is already sleeved when it was installed. The applicant has proposed treatment technology to provide additional environmental compensation. Dr. Taylor asked what Remedial Use is. Mr. Reagor stated it is a treated system which treats the water to a

much higher degree. Mr. Perley, Engineer representing the applicant, stated that they decided to use a Jet system to reduce the leaching area by half. Mr. Perley stated that this system as designed is as large as it can be. There will be clean out covers installed into the driveway to make easy access. Additionally, the applicant will install a 40 mil poly barrier between the system and the foundation wall. The Health Department recommends approval of this request. On a motion made by Dr. Harting-Barrat, seconded by Dr. Taylor, the Board unanimously voted to grant a variance from 310 CMR 15.405(1)(a) to the property located at 194 Central Street with the following conditions:

1. At all times, in perpetuity, the system shall be operated and maintained in compliance with the most current version of the MADEP Remedial Use Approval for the Jet J-500.
2. The side property lines shall be staked in the field prior to commencement of construction and those stakes shall be maintained during construction. The PLS who staked the property lines shall also certify the location of those lines in relation to the system components on the as-built plan.
3. The installer and engineer shall coordinate with the Town of Acton Engineering Department and the Highway Department in regards to any excavations outside the southern edge of the driveway.
4. A confirmatory deep test hole, witnessed by the Health Department, for estimated seasonal high groundwater elevation and soil characteristics will be required in the area of the proposed SAS prior to construction.
5. Verify condition & integrity of sleeve during construction.
6. The system shall be built in accordance with the above conditions and a plan stamped by Jefferson Perley, PE, dated 8/15/2006.

Variance – Remedial Use Approval – 49 Newtown Road

The Health Department is in receipt of a request from 310 CMR 15.284 for Remedial Use Approval for the property located at 49 Newtown Road. The Health Department has reviewed the plans and finds that during initial phase of construction, bedrock ledge was located throughout the property. The applicant also proposes to utilize a Presby system with a buried “bio-filter” inside a sand filter along with Remedial use. The system has been approved by the state with yearly inspection required. The Health Department recommends approval of this

request. Mr. Reagor stated that additional test holes were done and showed there was no other area that showed 4 feet of pervious material. A treatment system was proposed to provide additional environmental compensation.

On a motion made by Dr. Harting-Barrat, seconded by Dr. Taylor, the Board unanimously voted to grant a variance to 310 CMR 15.284 to the property located at 49 Newtown Road with the following conditions:

1. The system, in perpetuity, shall be operated and maintained in accordance with the most recent version of the MADEP Remedial Use Approval for the Presby Enviro-Septic system.
2. The system shall be built in accordance with a plan stamped by Jefferson Perley, PE dated 7/31/2006.

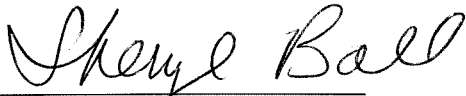
Other

- = Mr. Halley pointed out the Board of Selectmen minute policy to the Board of Health.
- = Perchlorate –The BOS has offered to test everyone's wells that have been identified and release forms have been drawn up. The feedback from the identified residents has been that some have signed and others are refusing to sign. The release forms are being re-looked at. Mr. Halley stated that we are re-looking at the release forms in the hopes that we can get into agreement with the residents. The developer of Ellsworth Village has shown us MSDS sheets of the blasting compounds that were used. It was stated that all potential perchlorate issues are being looked at including fireworks and the act of disinfecting a water line. The Commonwealth of Mass. recently enacted a requirement that perchlorate levels be less than 2 parts per billion. This requirement is not consistent with the levels that the EPA is looking at.

Adjournment

On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to adjourn the Board of Health meeting at 9:30 P.M.

Respectfully Submitted,



Sheryl Ball, Health Secretary
Acton Board of Health



William McInnis, Chairman
Acton Board of Health